
By: **Senator Conway**
Introduced and read first time: February 5, 2004
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Recreational Vessels - Personal Flotation Devices for Children - Additional**
3 **Requirements**

4 FOR the purpose of requiring that certain children wear certain personal flotation
5 devices on recreational vessels; requiring that certain personal flotation devices
6 feature certain additional safety precautions; altering the definitions of certain
7 terms; making certain technical corrections; and generally relating to certain
8 additional requirements regarding personal flotation devices for children.

9 BY repealing and reenacting, with amendments,
10 Article - Natural Resources
11 Section 8-743
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Natural Resources**

17 8-743.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) "Child" means an individual WHO:

20 (I) IS under the age of 7 years, REGARDLESS OF THE INDIVIDUAL'S
21 WEIGHT; OR

22 (II) WEIGHS 50 POUNDS OR LESS, REGARDLESS OF THE
23 INDIVIDUAL'S AGE .

24 (3) "Personal flotation device" means a Type I, II, OR III[, or V] U.S.
25 Coast Guard approved personal flotation device that is:

26 (i) The proper size for the child; and

1 (ii) In good and serviceable condition.

2 (4) (I) "Vessel" means:

3 [(i)] 1. A vessel used for recreational purposes; or

4 [(ii)] 2. A vessel leased, rented, or chartered for noncommercial
5 use.

6 [(5)] (II) "Vessel" does not include a vessel carrying passengers for hire
7 under the command of an individual licensed by the U.S. Coast Guard to carry
8 passengers for hire, or a vessel displaying a valid seafood harvester's license number
9 while engaged in the harvesting of seafood for sale.

10 (b) (1) A person may not operate or permit the operation of a vessel under 21
11 feet in length while there is present in the vessel a child not wearing a personal
12 flotation device which is securely and properly attached to the child.

13 (2) IF THE CHILD IS UNDER THE AGE OF 4 YEARS, THE PERSONAL
14 FLOTATION DEVICE SHALL FEATURE ADDITIONAL SAFETY PRECAUTIONS, AS
15 APPROPRIATE FOR AN INFANT, TODDLER, OR YOUNG CHILD, SO AS TO:

16 (I) HOLD THE CHILD SECURELY WITHIN THE PERSONAL
17 FLOTATION DEVICE, INCLUDING A STRAP THAT IS SECURED BETWEEN THE CHILD'S
18 LEGS TO FASTEN TOGETHER THE FRONT AND BACK OF THE PERSONAL FLOTATION
19 DEVICE;

20 (II) MAINTAIN THE BUOYANCY OF THE CHILD, INCLUDING AN
21 INFLATABLE HEADREST OR HIGH COLLAR; OR

22 (III) ENSURE THE READY ACCESSIBILITY OF THE CHILD FROM THE
23 VESSEL, INCLUDING A WEB HANDLE.

24 (c) Subsection (b) does not apply to:

25 (1) A vessel that is moored or anchored; or

26 (2) A child who is below deck or in an enclosed cabin.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2004.